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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,836	11/30/2001	Adolf Proidl	AT 000068	3541

24737 7590 03/23/2007
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/015,836	PROIDL ET AL.	
	Examiner	Art Unit	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 01/27/2007, have been entered and made of record. Claims 1-13 are pending.

Response to Arguments

2. Applicant's arguments filed 01/27/2007 have been fully considered but they are not persuasive. See the reasons sets forth below.

In response to the Applicant arguments that the cited reference of Henning fail to disclose the limitations of “activating the recording mode at the first occurrence of either the broadcast identification (VPS-PI, VPS-SI) of the programmed information broadcast being detected in the information signal (FS) or a recording start time (ABZ) of the programmed information broadcast being reached, which recording start time is reached a lead time interval (VZ) before the broadcast start time (SBZ-PI) of the programmed information broadcast”, The Examiner respectfully disagrees.

First of all the above limitation can be read on any prior art which teaches one of the two limitations. The first limitation is “activating the recording mode at the first occurrence of either the broadcast identification (VPS-PI, VPS-SI) of the programmed information broadcast being detected in the information signal (FS)” and the second limitation is “a recording start time (ABZ) of the programmed information broadcast being reached, which recording start time is reached a lead time interval (VZ) before the broadcast start time (SBZ-PI) of the programmed information broadcast.” As stated in the previous Office action the USPTO considers the

Applicants "or" language to be anticipated by any reference containing one of the limitations, and the amended claim still does not change the scope.

Second, Hennig in fig. 5 and col. 6 lines 12-19 discloses when there is no schedule changes are indicated, at 20:00 the VPS time code for the television program "Eurocops" is detected and the show is recorded. See also Fig. 7 where it shows that when it is determined that there is no new VPS code the process continues to step 3 to correct errors and then step 5 to record the program.

Third, Hennig discloses in fig. 4b three television programs have been programmed for recording and changes have been made to two of the three entries. The VPS time code will be found and the incorrect VPS time code has been changed to the correct entry (from 20:55 to 20:50). Then the correct VPS code will be transmitted when the television show begins and the show will be correctly recorded (see col. 5 lines 12-40). Furthermore in fig. 6 and col. 7 lines 8-29 Hennig teaches that in a conventional VCR with VPS and VPT nothing would be recorded when there is no correspondence between the VPS time code stored in the VCR and the transmitted VPS time code. However in Hennig's invention the when the controller determines the VPS code for the currently running program is incorrect, it will replace it with the VPS code according to the schedule. See also fig. 7 where it shows that when a new VPS code found the process continues to step 4 to detect wrong VPS codes and then step 5 to record the program.

Therefore the claimed invention does in fact read on the cited references for at least the reasons discussed above and as stated in the Office Action as follows.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hennig (US Pat. No. 5,956,455).

Note to the Applicant: The USPTO considers the Applicant's "or" language to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claim 1, Hennig discloses a recording arrangement for the error-tolerant recording of an information signal (FS) of an information broadcast programmed for recording and identified by a broadcast identification (VPS-PI) and a broadcast start time (SBZ-PI) (See col. 6 line 66-col. 7, errors are corrected), having

receiving means (see tuner 100 in fig. 1) for receiving the information signal in which information broadcasts and associated broadcast identifications can be transmitted, and having recording means (VCR in fig. 1) for recording the received information signal on a record carrier in a recording mode of the recording arrangement (see figure 1 a simplified block diagram of a VCR, which includes tuner 100 for selecting a particular television signal from a plurality of television signals received by an antenna 105. The VCR also includes a microcomputer 110 that receives data entered by a user from the remote control unit or from the keypad. Upon pressing the appropriate button, the necessary VPS program and their identification information is transferred to the VCR. See also figure 6 and col. 3 lines 9-22), and having recording control means for activating the recording mode at the first occurrence of either the broadcast identification of the programmed information broadcast being detected in the information signal or a recording start time of the programmed information broadcast is reached, which recording

start time is reached a lead time interval before the broadcast start time of the programmed information broadcast (The prior art Figure 4a shows that the user instructs the VCR to program itself with the data necessary to record the particular television show on a particular day. The VCR also comprises a controller for storing schedule data. The schedule data includes time code data indicative of starting time of a particular date and a television program identification code. See col. 4 lines 39-61 and claims 1 and 2. See also paragraph 2 above).

Regarding claim 2, Hennig discloses the end of the programmed information broadcast is defined by a broadcast end time and in which the recording control means are adapted to deactivate the recording mode when both the absence of the broadcast identification of the programmed information broadcast is detected and a recording end time of the programmed information broadcast is reached, which recording end time is reached a trailing time interval after the broadcast end time of the programmed information broadcast (see col. 4-6 if the VPS code is incorrect the recording is delayed from its originally scheduled time otherwise the recording ends on the particular schedule ending time).

Regarding claim 3, Hennig discloses which marking means are provided, which marking means are adapted, in the recording mode of the recording arrangement, to store marking information defining the current recording position on the record carder when the broadcast identification received in the information signal changes (see col. 5 line 56-col. 6 line 11 and figure 9).

Regarding claim 4, Hennig discloses offline analysis means are provided, which analysis means are adapted, after deactivation of the recording mode, to analyze the recorded information signal and to mark information signal portions of the recorded information signal which have

common characteristics with marking information, the characteristics to be analyzed being, for example, a picture frequency, velocity information of objects of the picture content, text information of the picture content, color information of the picture content or sound information of the recorded information signal (see figures 6, 10 and 11).

Regarding claim 5, Hennig discloses the offline analysis means are adapted to define stored marking information as a reproduction start position and/or to define stored marking information as a reproduction end position of the information broadcast recorded in the recording means (see col. 4 line 5-23 and col. 5 lines 46-53).

Regarding claim 6, Hennig discloses the recording control means are adapted to activate the recording mode when the broadcast identification of the information broadcast transmitted before the programmed information broadcast is no longer detected in the sequence of broadcast identifications included in the received information signal (see figures 7-9).

Regarding claim 7, Hennig discloses the recording control means are adapted to deactivate the recording mode when the broadcast identification of the information broadcast transmitted after the programmed information broadcast is already detected in the sequence of broadcast identifications included in the received information signal (See cols. 5 and 6).

Regarding claim 8, Hennig discloses receiving means for receiving a further information signal are provided, in which further information signal further programmable information broadcasts and associated broadcast identifications can be transmitted (see figure 6).

Regarding claim 9, Hennig discloses recording scheduler means are provided by which an information broadcast to be recorded can be programmed and which are adapted to evaluate electronic program information received by the receiving means, which electronic program

information includes both broadcast start times and the expected sequence of broadcast identifications of the information broadcasts to be expected in the information signal to be recorded (see claims 1 and 2).

Regarding claim 10, Hennig discloses the record carrier takes the form of a hard disk (see figure 1).

Regarding claim 11, Hennig discloses the recording control means include VPS decoder means for decoding a VPS code which forms the broadcast identification (see figure 1 and col. 3).

Claims 12 and 13 are rejected for the same reason as discussed in claims 1 and 2 respectively above.

Drawings

5. Figure 1 is objected to under 37 CFR 1.83(a) because it fails to show the proper labels or legend corresponding to all blocks as described in the specification. Applicant states in the remark that "all blocks are labeled". In response the Examiner respectfully disagrees. The blocks do not have legends. For example, block 4 should have a legend "tuner", block 15 should have a legend "memory" etc. See also the cited reference of Hennig fig. 1 for example, where block 100 has a legend "tuner". Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

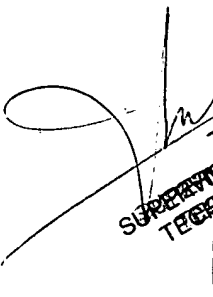
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
March 15, 2007


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